



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**April 26, 2006**

**SUBJECT:**           **2006-0316 – Beverages & More!** [Applicant] **Murtha J Martin Trustee & Et Al** [Owner]: Application for a 2.2 acre site located at **1243 West El Camino Real** in a C-2 (Highway Business) Zoning District. (APN: 161-22-007):

Motion                   Use Permit for on-site beer and wine tasting at a new retail store.

**REPORT IN BRIEF**

**Existing Site Conditions**           Commercial shopping center

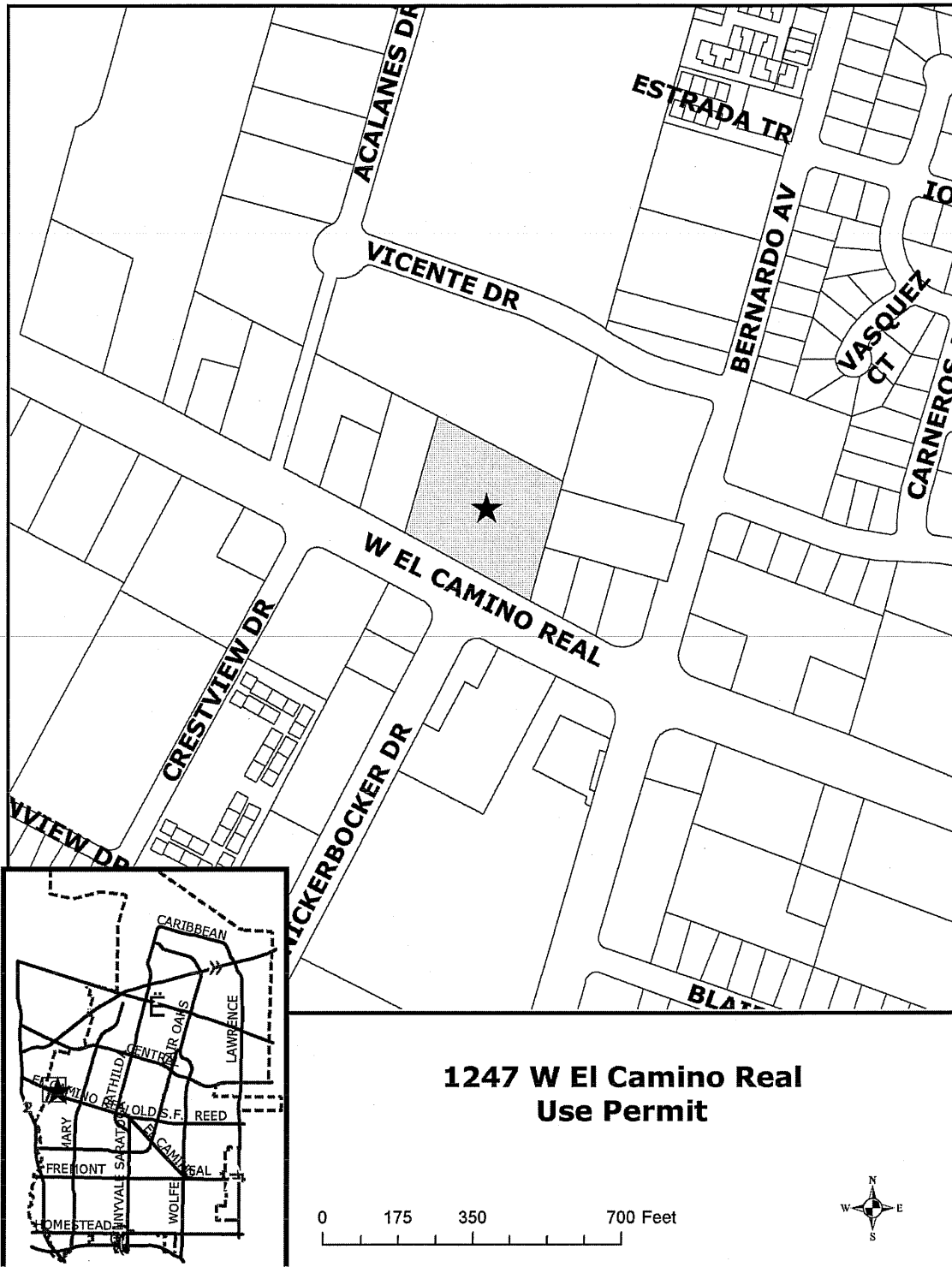
**Surrounding Land Uses**

North	Multi-family residential, apartments
South	Commercial, Retail uses
East	Commercial, Restaurant
West	Commercial, Retail uses

**Issues**                   Neighborhood Compatibility

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approval with modifications



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Commercial General Business	Same	Commercial General Business
<b>Zoning District</b>	C-2	Same	C-2
<b>Lot Size (s.f.)</b>	97,139	Same	None
<b>Gross Floor Area (s.f.)</b>	26,474	Same	No max.
<b>Gross Floor Area of Tenant (s.f.)</b>	17,292	Same	No max.
<b>Lot Coverage (%)</b>	27	Same	35 max.
<b>No. of Buildings On- Site</b>	2	Same	---
<b>Building Height (ft.)</b>	26'8"	Same	40' max.
<b>No. of Stories</b>	1	Same	2 max.
<b>Setbacks (Facing Property)</b>			
• <b>Front</b>	85'0"	Same	70 min.
• <b>Left Side</b>	4'0"	Same	None
• <b>Right Side</b>	10'0"	Same	None
• <b>Rear</b>	52'0"	Same	None
<b>Parking</b>			
• <b>Total Spaces</b>	154	152	132 min.
• <b>Accessible Spaces</b>	5	6	6 min.

**ANALYSIS****Description of Proposed Project**

Beverages and More is a new beer, wine, and liquor retail store that will be operating in an existing retail center (old Good Guys building). The applicant is proposing beer and wine tasting as part of the new business. Any on-site consumption of alcohol requires a Use Permit in the Highway Business zone.

**Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site:

File Number	Brief Description	Hearing/Decision	Date
20040980	New roll-up bay door and parking lot configuration	Admin Hearing Approved	1/26/2005
1980-0224	A 28,000 sq. ft. retail commercial building	City Council Approved	12/10/1979

### **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes changes of use in existing facilities.

### **Use Permit**

**Use:** The applicant is proposing on-site alcohol service (beer and wine tasting) as part of the new retail liquor store. Planning Staff recommends a condition of approval, which states the hours of operation are as follows:

Monday – Sunday: 9:00am – 9:00pm  
Holidays: 9:00am – 10:00pm

**Site Layout:** There are two buildings on the property, one which previously housed The Good Guys (BevMo space) and the other which contains multiple commercial tenants. The BevMo building is L-shaped with the store entrance facing towards El Camino Real.

**Design Review:** Currently there are windows along the front and side of the building which have been covered to prevent visibility into the storage area of the store, although the window display areas still remain. Staff is recommending a condition of approval that these windows shall remain open to the interior or shall be kept as window display areas. Under no circumstances shall these windows be removed, enclosed, or blacked-out without subsequent Use Permit approval. The applicant is proposing to paint the building's exterior and repair the damaged façade as part of this proposal.

**Parking/Circulation:** Access to the site is from two driveways on El Camino Real. Access doors are located in the rear of the building facing the rear drive isle and parking spaces. There are no modification proposed to the parking lot at this time.

**Solid Waste:** Currently there is a chain link storm fence on the western most side of the building that serves as the solid waste/recycling enclosure. The fence is in need of repair and the enclosure area is a substandard size for current City requirements. Staff visited the site several times and observed that there are three dumpsters used for the existing businesses which are kept in the parking lot area, not the enclosure area. Staff is recommending a condition

of approval that would require a new enclosure that meets current City standards.

**Landscaping:** During site visits, staff noted that the existing landscaping was in a substandard condition due to a lack of maintenance and general upkeep. Most of the planter areas were devoid of shrubs or flowers and some of the trees had either been removed or died. In addition, the irrigation systems throughout the site appeared to no longer be functional or in a state of disrepair. Staff finds there is an opportunity to enhance the existing landscaping by adding bushes, ground cover, trees, and installing a new irrigation system. These have been included in the Conditions of Approval.

**Sign:** The existing monument sign contains six business names where Sunnyvale Municipal Code (SMC) only allows for four tenant names. Staff is recommending a condition of approval to require this sign be brought into conformance when building permits are issued, either by the property owner by staff action through Neighborhood Preservation. The condition does not affect the approval or operation of the proposed BevMo.

**Compliance with Development Standards/Guidelines:** The project is located in the Precise Plan for El Camino Real area, and is identified as Opportunity Area One. This area is considered one of several gateways into Sunnyvale and creates precedence for design standards for the rest of El Camino Real. The applicant is proposing to paint the exterior, plant new landscaping, and repair the façade damage of the existing building, as part of the proposal. This will allow the new use to meet the guidelines for El Camino Real.

#### **Expected Impacts on the Surroundings**

Staff believes that the proposed service of beer and wine at the site will not have a negative impact to the surrounding uses, including the adjacent apartments. There are nearby restaurants with the sale of alcohol that are open late into the evening. In addition, the limited hours of operation will help to mitigate the impact of the new store during evening hours.

#### **Fiscal Impact**

---

No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

---

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 14 notices mailed to adjacent property owners and residents of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

**Conclusion**

---

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

**Alternatives**

---

1. Approve the Use Permit with the Recommended Conditions of Approval found in Attachment B.
2. Approve the Use Permit with modified Conditions of Approval.
3. Deny the Use Permit.

**Recommendation**

---

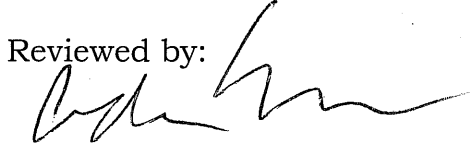
Alternative 1.

Prepared by:



Steve Lynch  
Project Planner

Reviewed by:



Andrew Miner  
Principal Planner

Attachments:

- A. Recommended Findings
  - B. Recommended Conditions of Approval
  - C. Letter from the Applicant
  - D. Photographs of the Site
  - E. Site and Architectural Plans
-

## **Recommended Findings - Use Permit**

---

Goals and Policies that relate to this project are:

### **Land Use and Transportation Element:**

*Policy N1.11.1 – Use the Precise Plan for El Camino Real to protect legitimate business interests, while providing sufficient buffer and protection for adjacent and nearby residential uses.*

*Policy N1.7- Support the location of convenient retail and commercial services (e.g. restaurants and hotels) in industrial areas to support business, their customers and their employees.*

*Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

**Precise Plan for El Camino Real, Opportunity Area One** – *This area is a gateway to Sunnyvale. The purpose of the gateway is to announce entry or exit from the City. Gateways help define the City's edges and create a heightened sense of identity. Gateways also create a precedent for design standards that can be used along the rest of the street.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project will provide addition commercial opportunities while not causing any negative impacts to surrounding uses.
  2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity because, as conditioned, the use will allow for the operation of a retail use in an existing building, will not affect the adjacent residential properties behind the building and will meet the guidelines as the gateway to the city.
-



### **Recommended Conditions of Approval - Use Permit**

---

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

#### **1. GENERAL CONDITIONS**

- A. The Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Use shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. Comply with all requirements of previously approved Use Permits.
- G. The rear area between the building and the residents to the north shall be kept free (no over night storage) of litter, boxes, or any other materials.
- G. Hours of operation shall be limited to the following hours:
  - Monday - Friday: 9:00am – 9:00pm
  - Holidays: 9:00am – 10:00pm

#### **2. DESIGN REVIEW CONDITIONS**

- A. The display windows shall remain open and visible into the interior of the tenant space or shall be kept as window display areas. Under no circumstances shall these windows be removed, enclosed, or blacked-out without subsequent Use Permit approval.

- B. The building exterior shall be painted and the colors shall be approved by the Director of Community Development prior to building permit issuance.
- C. All exterior façade damage shall be fixed as part of the building permit issuance.

**3. LANDSCAPING CONDITIONS**

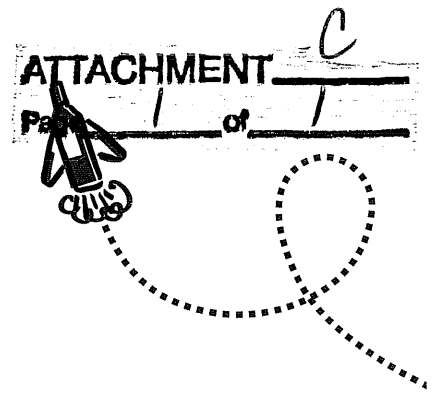
- A. Bushes, ground cover, and trees shall be installed in all landscape areas on site that currently lack vegetation.
- B. The irrigation system shall be restored to a working condition in all landscape area throughout the site.
- C. A landscape plan is required to be reviewed and approved by the Director of Community Development prior to issuance of a building permit.
- D. A new solid waste/recycling enclosure is required that meets current SMC. The size, placement, and design of this enclosure shall be approved by the City's Solid Waste Division of the Department of Public Works.

**4. SIGNS**

- A. The non-permitted monument sign faces shall be brought into conformance with SMC when building permits are issued for the tenant improvements. This will be accomplished either by the property owner or by staff opening a Neighborhood Preservation case for this property.



1470 Enea Circle, Suite 1600 Concord, California 94520 T 925.609.6000 F 925.609.7712 www.bevmo.com



## **Beverages & more!**

We are a specialty retailer selling beer, wine, spirits, gourmet food and related items, such as glassware, wine accessories, etc., which are not easily found elsewhere. We have a wide variety and offer over 3000 brands of wines, 600 different gourmet food items, 600 brands of beers and 1200 brands of spirits. We feel our assortment alone guarantees public convenience will be served.

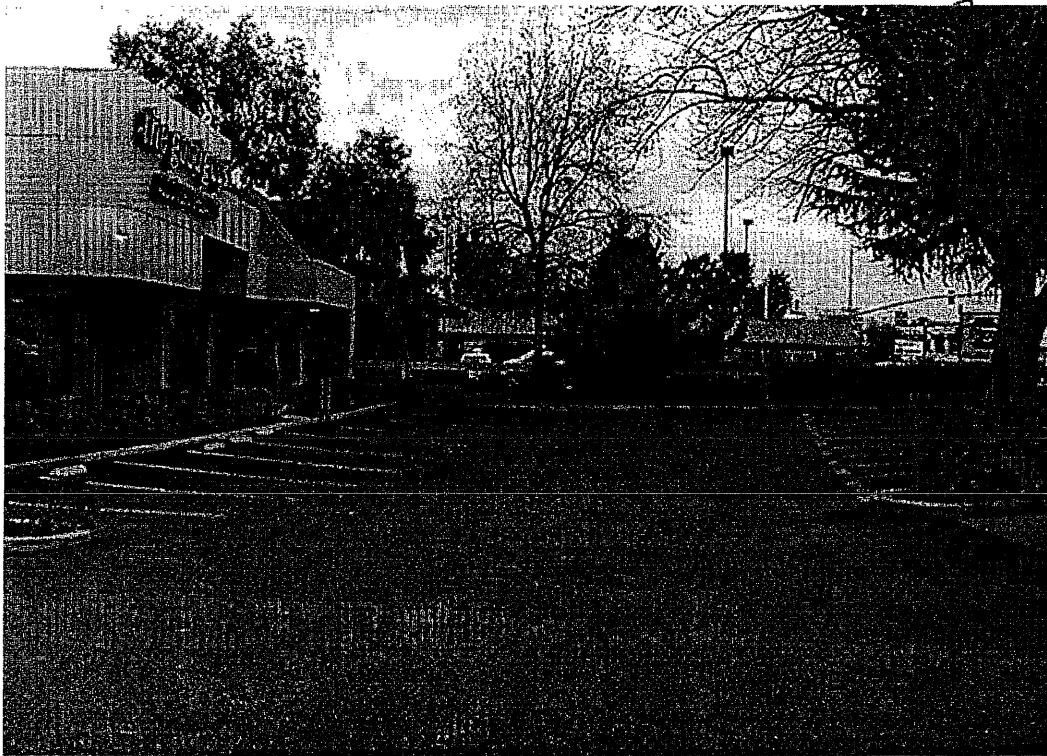
Beverages & more! is committed to the responsible marketing of alcoholic beverage products which is demonstrated by:

- 1) Hours of operation being limited to: 9 a.m. - 9 p.m. Sunday through Saturday except for a short time during the holidays.
- 2) Company policy prohibitions against selling cigarettes and products of abuse (such as 40 oz. of malt liquor, low-priced, screw-top fortified wines and pints or half-pints of spirits, and
- 3) Company policy prohibitions against video or pinball games, sales of pornographic videos and magazines, pay telephones, lottery tickets, newspaper stands and other items that would encourage loitering or minors patronizing the store (unlike some convenience stores).

ATTACHMENT D  
2



ATTACHMENT D



F  
2

A. THORSSON & ASSOCIATES  
www.thorsson.com  
1250 4th Ave., Suite 200  
Sunnyvale, CA 94087  
Tel: 415.435.4991  
Fax: 415.435.4992

Beverages & more!  
1247 West El Camino Real  
Sunnyvale, California 94087



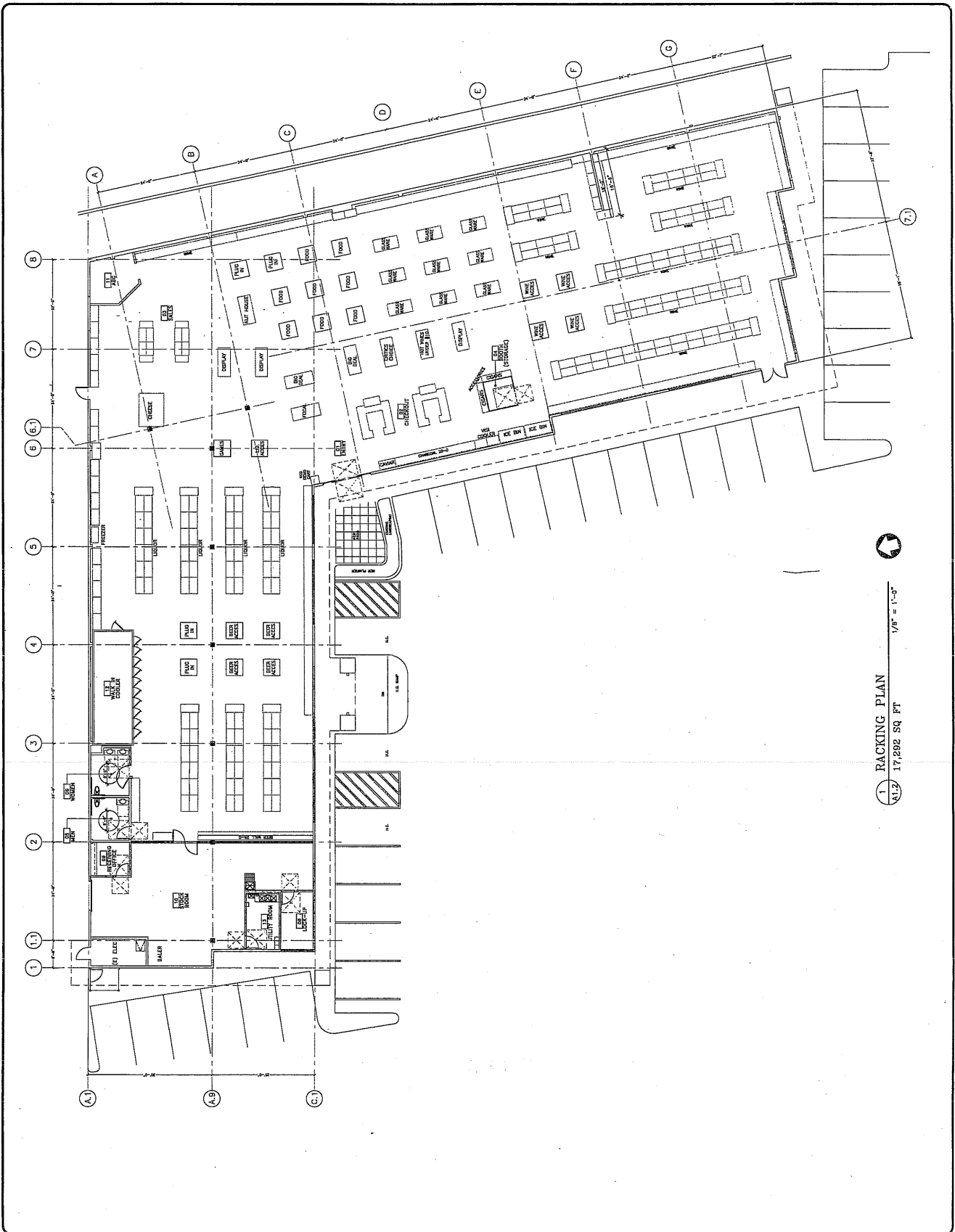
NO REVISIONS



RACKING PT

ASB NO. 05 4302  
DATE 03.08.00  
DRAWN BY J. W.  
CHECKED BY J. W.

A1.2



1 RACKING PLAN  
17,892 SQ. FT.  
1/8" = 1'-0"

